

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Crim. No. 07-35 (RHK/AJB)
ORDER

v.

Carl Lee Richardson,

Defendant.

The Defendant in this case, Carl Lee Richardson, was previously charged by Indictment (Crim. No. 06-193) with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922 and 924. Trial in that matter was scheduled to commence on February 5, 2007. On that date, however, the Court dismissed the Indictment in case number 06-193, without prejudice, due to a violation of the Speedy Trial Act. Shortly thereafter, the Government secured the Indictment in the instant matter, which is identical in all respects to the Indictment in case number 06-193.

Upon appearing before the Court for trial, the Defendant brought an *ore tenus* Motion seeking a continuance of the trial date for 30 days, pursuant to 18 U.S.C. § 3161(c)(2). The Court denied that Motion on the record, because the Defendant failed to proffer any evidence indicating that his defense would be prejudiced by immediately proceeding to trial. See, e.g., United States v. Rojas-Contreras, 474 U.S. 231, 235-37 (1985); United States v. Maynie, 257 F.3d 908, 914-15 (8th Cir. 2001); United States v.

Vaughn, 111 F.3d 610, 613 (8th Cir. 1997); United States v. Punelli, 892 F.2d 1364, 1369

(8th Cir. 1990). The Court now memorializes that ruling in this Order.

Dated: February 8, 2007

s/Richard H. Kyle

RICHARD H. KYLE

United States District Judge